
HOUSE BILL No. 1275

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-9.4; IC 35-48-4-13.

Synopsis: Contraband in penal facilities; public nuisances. Makes it unlawful possession of contraband in a penal facility or juvenile facility, a Class A misdemeanor, for a person to knowingly or intentionally carry contraband into a penal facility or juvenile facility with intent to personally use the contraband unless the person has been authorized to do so by the person in charge of a penal facility or juvenile facility. Makes the offense a Class C felony if the contraband is a controlled substance or deadly weapon. Specifies a person commits visiting a common nuisance, a Class B misdemeanor, if the person knowingly or intentionally visits a building, a structure, a vehicle, or other place that is used by any person to unlawfully use a controlled substance one or more times.

Effective: July 1, 2007.

Leonard, Tinch

January 11, 2007, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1275

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-3-9.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 9.4. (a) As used in this section, "contraband" means**
4 **the following:**

- 5 (1) **Alcohol.**
- 6 (2) **A cigarette or tobacco product.**
- 7 (3) **A controlled substance.**
- 8 (4) **An item that may be used as a weapon.**

9 **(b) As used in this section, "juvenile facility" means the**
10 **following:**

- 11 (1) **A secure facility (as defined in IC 31-9-2-114) in which a**
12 **child is detained under IC 31 or used for a child awaiting**
13 **adjudication or adjudicated under IC 31 as a child in need of**
14 **services or a delinquent child.**
- 15 (2) **A shelter care facility (as defined in IC 31-9-2-117) in**
16 **which a child is detained under IC 31 or used for a child**
17 **awaiting adjudication or adjudicated under IC 31 as a child**



C
o
p
y

in need of services or a delinquent child.

(c) A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally carries contraband into the penal facility or juvenile facility with intent to personally use the contraband commits unlawful possession of contraband in a penal facility or juvenile facility, a Class A misdemeanor. However, the offense is a Class C felony if the contraband is a:

(1) controlled substance; or

(2) deadly weapon.

SECTION 2. IC 35-48-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance **one (1) or more times** commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times:

(1) by persons to unlawfully use controlled substances; or

(2) for unlawfully:

(A) manufacturing;

(B) keeping;

(C) offering for sale;

(D) selling;

(E) delivering; or

(F) financing the delivery of;

controlled substances, or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance, a Class D felony.

SECTION 3. [EFFECTIVE JULY 1, 2007] **IC 35-44-3-9.4, as added by this act, and IC 35-48-4-13, as amended by this act, apply only to offenses committed after June 30, 2007.**

C
o
p
y

